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~~Examiner~~ Examiner

703-872-9306

Kelly S. Campen - Only

This is a copy of A prior Amendment

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CONFIRMATION REQUESTED: N

ADDITIONAL INFORMATION:

Serial # 09/543.063

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re: Mistretta

Serial No. 09/543,063

Group: 3624

Filed: 04/05/2000

Examiner: Karmis, Stefanos

For: METHOD OF CONDUCTING FOREIGN EXCHANGE
TRANSACTIONS FOR A FINITE PLURALITY OF ENTITIES

Attorney Docket No. 200-0249

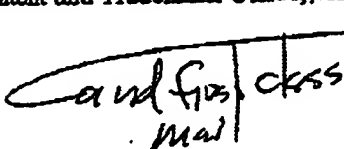
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450AMENDMENT AFTER FINAL

Dear Sir:

In response to the Final Office Action dated 04/16/2004, please amend this application as follows:

CERTIFICATE OF TRANSMISSION

I hereby certify that this Amendment After Final is being transmitted to the U.S. Patent and Trademark Office, via facsimile on September 16, 2004, to 703-872-9306.


Ernest E. Helms
Ernest E. Helms

A. Amendment to the Claims

1-4. (Canceled)

5. (Currently amended) A method of conducting exchanges of currencies for a plurality of at least first, second and third entities, said entities being in jurisdictions having working capital in differing first, second and third currencies, and wherein said exchanges are conducted in a manner to maximize the monetary amount of such currency transactions to take advantage of volume discounting in the spread between different currencies, said method comprising:

evaluating the currency exchange requirements for a first entity having a first currency working capital on a first predetermined time frame for selling said first currency and buying said second or said third currency, and selling said first currency and buying said second or said third currency;

electronically communicating said currency exchange requirements of said first entity to a central currency exchange management entity;

evaluating the currency exchange requirements for a second entity having a second currency working capital on a first predetermined time frame for selling said second currency and buying said first or said third currency, and selling said second currency and buying said first or said third currency;

electronically communicating said currency exchange requirements of said second entity to said central currency exchange management entity;

evaluating the currency exchange requirements for a third entity having a third currency working capital on a first predetermined time frame for selling said third currency and buying said second or said first currency, and selling said third currency and buying said second or said first currency, said central currency exchange management entity having an interest in and trading authority for said first, second and third entities;

electronically communicating said currency exchange requirements of said third entity to a central currency exchange management entity;

evaluating the currency exchange requirements of said second entity on said first predetermined time frame for selling or buying said second currency and buying or selling a second currency of said second entity;

obtaining instantaneous quotes of a rate of exchange for selling said first currency and buying said second or said third currencies and buying said first currency and

selling said second or third currencies and selling said second currency and buying said first or third currencies and buying said second currency and selling said first or second currencies and selling said third currency and buying said second or first currency and buying said third currency and selling said first or second currency based upon the combined credit worthiness of said first, second, and third entities and said central currency exchange management entity and the volume of transactions of said combined first, second and third entities and said central currency exchange entity;

determining a net amount of currency exchange transactions; and

electronically executing said net currency exchange transactions by having said central currency exchange management entity to conduct said net currency exchanges with an outside entity to limit the exposures of currency transactions for said first, second and third entities and to minimize the cost associated for said first, second and third entities.

6. (canceled)

7. (previously presented) A method of conducting exchanges of currency for a plurality of entities as described in claim 5 wherein said central currency exchange management entity is credited with a spread of quotes of the rate of exchange of a net amount of currency exchange transactions.

B. Remarks

In the above-noted Office Action, claims 5 and 7 were rejected under 35 U.S.C. § 112. Claim 5 was also rejected under 35 U.S.C. 102(e) as being anticipated by Boesch et al (US 5,897,621). Claim 5 and 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et al., over Potter et al (US 5,787,402).

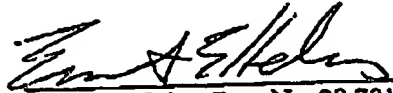
With this amendment, claim 5 has been amended. Applicant's amended claim 5 to add limitations brought forth is the specification.

With regard to the rejection of claim 5 under Boesch et al, Applicant respectfully submits that claim 5, as now presented in amended form, is not anticipated or made obvious by Boesch et al, singularly or in combination with the other cited reference. Specifically, Boesch is to a totally different system than Applicant's invention.. Boesch has a customer user, a merchant user, a network and a server. The server is most akin to that of an outside entity such as a bank. The server insures that the price that the customer is willing to pay and the price that the merchant is willing to accept is within certain parameters mandated by the exchange requirement. There is no teaching in the claims of Boesch wherein the credit worthiness of the customer, the merchant and the credit worthiness of an entity with an interest and trading authority over merchant and customer are combined to bring forth a more favorable exchange transaction for the parties, as Applicant's invention provides.

The server entity of Boesch does not bring itself into the transaction to help the credit worthiness of the customer and the merchant to lower the transaction costs, but instead often profits by it. An increase in size or credit worthiness of the server entity of Boesch is irrelevant in achieving any savings for the merchant or customer and in fact can often be disadvantages to both parties if the sever entity has monopoly power.

With this amendment, Applicant has shown wherein the Examiner's rejection is respectfully traversed. Applicant respectfully requests that a Notice of Allowance be issued. Although Applicant respectfully submits that the application is in condition for allowance, Applicant is open to any suggestions by the Examiner which may further enhance the clarity of the uniqueness of Applicant's invention over the cited art. If the Examiner comes to the realization of the patentability of the present invention based upon the present amendment or of a potential amendment of Examiners initiative, the Examiner is herein granted the power to make such amendment and to charge any additional extension fee required to the account which is being currently charged for the Petition of Extensions for the current Amendment

Respectfully submitted,



Ernest E. Helms Reg. No. 29,721
DYKEMA GOSSETT PLLC
39577 Woodward Avenue, Suite 300
Bloomfield Hills, MI 48304-2820
248) 203-0756
Attorneys for Applicant

Dated: September 16, 2004

BH01M50316.1
IDAEHS

PTO/SB/22 (08-04)

Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) <u>200-0249</u>
Application Number <u>09/543 063</u>		Filed <u>9/05/2000</u>
For <u>METHOD OF CONDUCTING FOREIGN EXCHANGE TRANSACTIONS...</u>		
Art Unit		Examiner <u>Kelly S. Camper</u>

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$110	\$55	\$ _____
<input checked="" type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$420	\$210	\$ <u>420</u>
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$950	\$475	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1480	\$740	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2010	\$1005	\$ _____

☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 04-2223. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.

☒ attorney or agent of record. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). Registration Number 29721

☐ attorney or agent under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Ernest E. Helms Sept 16, 2004
Signature Date

Ernest E. Helms 248-203-0756
Typed or printed name Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.